

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM**  
CEM-6201B (NEW 9/2002)

FOR STATE USE ONLY	
Received By	DATE
(For resident engineer)	

TO Pedro Sanchez (resident engineer)	CONTRACT NUMBER 04-0120E4	DATE January 29, 2008	IDENTIFICATION NUMBER 15-011408
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This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: \_\_\_\_\_ DATE \_\_\_\_\_

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 15-011408 -- Supplemental Notice of Potential Claim".

*The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.*

*Kiewit / FCI / Manson JV*  
SUBCONTRACTOR or CONTRACTOR  
(Circle One)  
  
(Authorized Representative)

**For a subcontractor potential claim**

This notice of potential claim is acknowledged, certified and forwarded by

\_\_\_\_\_  
PRIME CONTRACTOR  
\_\_\_\_\_  
(Authorized Representative)

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**NOPC 15-011408 -- Supplementary Notice of Potential Claim**

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**A. Nature and Circumstances of Dispute**

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to furnish and install materials to facilitate de-bonding of embedded T1 anchor bolts. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed by Letter 3648 that KFM furnish and install de-bonding materials for the Pier T1 skirt anchor bolts in accordance with field discussions. By the same letter, the State requested a cost proposal and identified pending Contract Change Order No. 75 ("CCO 75") for this work. KFM completed the directed work and has provided a cost proposal to the State for preparation of a contract change order for this work. A contract change order for this work has not been issued by the State or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

**B. Contract Basis of Claim**

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letter 3648 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the directed work pending issue of a Contract Change Order. All work performed has been accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Work on Pier T1 skirt anchor bolt de-bonding and all other Contract Work on the project continued towards completion and Contract Acceptance without a change order for this work being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 75 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM furnished to the State a cost proposal for this work in the amount of \$7081.00.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

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